

# Agenda



## Tempe City Council

Agendas available at [www.tempe.gov/clerk](http://www.tempe.gov/clerk)

Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)

Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

**September 9, 2004**

1. **INVOCATION – Councilmember Copple**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Councilmember Hutson**
  - A. Approval of Council Meeting Minutes
    1. City Council Dinner Meeting – July 22 & August 5, 2004 [20040909clrkck01.pdf](#)  
[20040909clrkck02.pdf](#)
    2. Council Transportation, Light Rail Development Services Committee – May 20, 2004 [20040909tlrds01.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    3. Board of Adjustment – July 28, 2004 [20040909boa01.pdf](#)
    4. Committee on Youth, Families & Community – July 19, 2004 [20040909yfc01.pdf](#)
    5. Enhanced Services Commission – June 16, 2004 [20040909esc01.pdf](#)
    6. Hearing Officer – August 17, 2004 [20040909ho01.pdf](#)
    7. Human Relations Commission – July 13, 2004 [20040909hrc01.pdf](#)
    8. Neighborhood Advisory Commission – June 2, 2004 [20040909nac01.pdf](#)
    9. Rio Salado Advisory Commission – May 25, 2004 [20040909rsac01.pdf](#)
    10. Tempe Employees' Council – April 1, May 6, June 3 & July 1, 2004  
[20040909tec02.pdf](#) [20040909tec03.pdf](#) [20040909tec04.pdf](#)  
[20040909tec05.pdf](#)
    11. Transportation Commission – July 13, 2004 [20040909tc01.pdf](#)
    12. Transportation Commission Public Involvement/Marketing Committee – June 7, 2004 [20040909tcpi01.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
  - A. Mayor's Announcements

B. Manager's Announcements

5. **CONSENT AGENDA**

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council. None of these items will be discussed unless a Councilmember removes an item or a citizen requests that a public hearing item be removed for separate consideration. Public hearing items are designated by an asterisk (\*). Items scheduled for a Introduction/First Public Hearing will be heard, but will not be voted upon, at this meeting.

**'q-j'** indicates items that are quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances. When sitting as a quasi-judicial body, the City Council must conduct itself as a court, not as a legislative body. This means that any materials or conversations concerning the variance can only be presented to the City Council at the scheduled public hearing. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited.

A. Miscellaneous

13. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of June 27, July 4, 11, 18 & 25, August 1 & 8, 2004.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

14. Request approval for the City Manager to negotiate a contract with Jamieson and Gutierrez for a Diversity Program Evaluation.

**DOCUMENT NAME:** [20040909cm01.pdf](#) TEMPE DIVERSITY INITIATIVE (0105-02-05)

15. Request approval of a two-year extension to the Ambulance Transportation Service Agreement with Southwest Ambulance.

**DOCUMENT NAME:** [20040909fdjb01.pdf](#) AMBULANCE (0607-02)

16. Request approval of an addendum to a professional services contract with Dibble and Associates for the Marigold Lane Pump Station.

**COMMENTS:** Total cost not to exceed \$43,465.

**DOCUMENT NAME:** [20040909PWTG04.pdf](#) WATERMAIN UPGRADES (0810-04) PROJECT NO. 32-966704A

17. Request approval for the Mayor to execute a letter authorizing the potential assignment of the contract between RHGC, LLC, and the City of Tempe to Arizona National Bank for the duration of the existing term, through June 30, 2007.

**COMMENTS:** For professional golf course management services.

**DOCUMENT NAME:** [20040909csmr01.pdf](#) BACKGROUND MAT'L FOR PURCHASE AGREEMENTS (1004-01) Contract C-2001-221

- \*18. This is a public hearing for the approval of a Series 6 Bar Liquor License for Sodexo America, LLC, dba Sun Devil Stadium, 425 E. University Drive.

**COMMENTS:** Michael B. Turner, Agent

**DOCUMENT NAME:** [20040909LIQ1.pdf](#) LIQ LIC (0210-02)

19. Request approval of a one-year contract extension with Dave Bang Associates, Inc., for bus shelter furniture.

**COMMENTS:** Total amount of the contract shall not exceed \$70,000.

**DOCUMENT NAME:** [20040909fslg02.pdf](#) PURCHASES (1004-01) T04-011RB-01

20. Request approval of a one-year contract extension with Christmas Light Decorators for downtown holiday lighting displays and installation.

**COMMENTS:** Total amount of the contract shall not exceed \$100,000.

**DOCUMENT NAME:** [20040909fslg03.pdf](#) PURCHASES (1004-01) T01-088-01

21. Request approval of a one-year contract extension with Thomas Reprographics for digital bonding and copy services.

**COMMENTS:** Total amount of the contract shall not exceed \$65,000.

**DOCUMENT NAME:** [20040909fslg04.pdf](#) PURCHASES (1004-01) T04-028-01

22. Request approval of a Final Subdivision Plat for Elliot Estates consisting of 42 lots and 5 tracts, located at 455 East Elliot Road.

**COMMENTS:** (Scott Homes, Greg Loper, property owner) #SBD-2004.64 for a Final Subdivision Plat for 42 lots and 5 tracts on 13.63 net acres.

**DOCUMENT NAME:** [20040909d2k03.pdf](#) PLANNED DEVELOPMENT (0406)

B. Award of Bids

23. Request to award a construction contract to CPC Construction, Inc., in the amount of \$133,450 plus a contingency of \$16,550, for the initial year of an annual renewable contract for manhole and valve box adjustments.

**COMMENTS:** Subject to execution of the final written contract.

**DOCUMENT NAME:** [20040909PWMG01.pdf](#) STREET UPGRADE  
MAINTENANCE (0809-05) PROJECT NO. 5401691

24. Request to award a construction contract to Cal Wadsworth Construction Southwest, Inc., in the amount of \$302,000 (Base Bid), also approve Change Order No. 1, and approve a construction contingency of \$7,500 for the Kiwanis Park Pump Station Replacement.

**COMMENTS:** Subject to execution of the final written contract. Change Order No. 1 decreases the contract by \$52,300 for a total project cost of \$249,700.

**DOCUMENT NAME:** [20040909PWMG02.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 6301291**

25. Request approval of a professional services contract with Stantec Consulting, Inc., for design of the McAllister Avenue and University Drive Sanitary Sewer Facilities Improvements.

**COMMENTS:** Subject to execution of the final written contract. Total amount of this contract shall not exceed \$264,420.

**DOCUMENT NAME:** [20040909PWTG03.pdf](#) **WASTEWATER MANAGEMENT ADMIN (0812-01) PROJECT NO. 3201671**

26. Request award of a Construction Manager at Risk Construction Services Contract to Hunter Contracting Co., for a Guaranteed Maximum Price of \$102,407, plus a contingency allowance of \$5,000, for change orders for the Johnny G. Martinez Water Treatment Plant Marigold Lane Guardhouse Security Improvements.

**COMMENTS:** Subject to execution of the final written contract.

**DOCUMENT NAME:** [20040909PWMG05.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0902-13) PROJECT NO. 3201097**

27. Request to award a one-year sole source contract to London Bridge Marine for a floating dock extension, ADA curbing and corner and side bumpers.

**COMMENTS:** Subject to execution of the final written contract. Total cost for this contract shall not exceed \$40,000 during the contract period.

**DOCUMENT NAME:** [20040909fslq01.pdf](#) **PURCHASES (1004-01) #05-035**

28. Request to award a one-year sole source contract to Arizona Municipal Water Users Association for Sub Regional Operating Group (SROG) and Water Resource coordination, planning, and support.

**COMMENTS:** Subject to execution of the final written contract. Total cost for this contract shall not exceed \$87,427 during the contract period.

**DOCUMENT NAME:** [20040909fst05.pdf](#) **PURCHASES (1004-01) #05-057**

29. Request to award a one-year contract with three (3) one-year renewal options to Metron Farnier, LLC, for water meters.

**COMMENTS:** Subject to execution of the final written contract. Total cost for this contract shall not exceed \$300,000 during the initial contract period.

**DOCUMENT NAME:** [20040909fst06.pdf](#) **PURCHASES (1004-01) IFB# 05-017**

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*30. **This is the introduction and first public hearing** to authorize the Mayor to execute the Real Estate Purchase Agreement for Lot 1 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC. **The second public hearing is set for September 16, 2004.**

DOCUMENT NAME: [20040909dsca01.pdf](#) RIO SALADO MASTER PLAN  
(0112-07-03) Ordinance No. 2004.39.

- \*31. **This is the introduction and first public hearing** to authorize the Mayor to execute the Real Estate Purchase Agreement for Lot 4 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC. **The second public hearing is set for September 16, 2004.**

DOCUMENT NAME: [20040909dsca02.pdf](#) RIO SALADO MASTER PLAN  
(0112-07-03) Ordinance No. 2004.40.

- \*32. **This is the introduction and first public hearing** to authorize the Mayor to execute the Real Estate Purchase Agreement for Lot 5 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC. **The second public hearing is set for September 16, 2004.**

DOCUMENT NAME: [20040909dsca03.pdf](#) RIO SALADO MASTER PLAN  
(0112-07-03) Ordinance No. 2004.41.

- \*33. **This is the introduction and first public hearing** to amend Chapter 27, Article I of the Tempe City Code relating to Sewers and Sewage Disposal. **The second public hearing is set for September 30, 2004.**

DOCUMENT NAME: [20040909cacc02.pdf](#) TCC CH 27 – SEWERS AND  
SEWAGE DISPOSAL (0503-27) Ordinance No. 2004.38

- \*34. **This is the introduction and first public hearing** to authorize the Mayor to execute an Intergovernmental Agreement between the Arizona Board of Regents, acting for and on behalf of Arizona State University and the City of Tempe for the exchange of real property to facilitate the construction of the Light Rail Transit System. **The second public hearing is set for September 16, 2004.**

DOCUMENT NAME: [20040909pwjm.pdf](#) TRANSPORTATION PLANNING  
(1101-01) Ordinance No. 2004.37

- \*35. **This is the introduction and first public hearing** for a text amendment of City of Tempe Zoning Ordinance 808, requesting public input for Mixed Use Educational Zoning District and Joint Review Committee. **The second public hearing is set for September 16, 2004.**

COMMENTS: (City of Tempe, applicant) Ordinance 808.2004.09 #ZON-2004.09  
for proposed text amendments to Zoning Ordinance 808.

DOCUMENT NAME: [20040909dsdk10.pdf](#) ZONING ORDINANCE (0411)

- q-j \*36. **This is the introduction and first public hearing** for Crossroads of Tempe – Lot 4 for an Amended General Plan of Development and a Final Plan of Development for Lot 4, including a use permit and variance, located at 7707 South Kyrene Road. **The second public hearing is set for September 16, 2004.**

**COMMENTS:** (Castle & Cooke, Richard Toppe, property owner) #SGF-2004.57 for an Amended General Plan of Development for Crossroads of Tempe consisting of 134,644 s.f. retail/office/restaurant, all on 15.3 net acres (Lots 1, 2, 3, and 4) and a Final Plan of Development for Lot 4 consisting of 15,481 s.f. of retail/restaurant space on 2.09 net acres, including the following:

Variance:

Waive the required parking screen wall (approximately 6 feet in length) at the gas line easement location at the southwest corner of Lot 4.

Use Permit:

Allow outdoor dining in the PCC-1 Zoning District for Lot 4 of Crossroads of Tempe.

**DOCUMENT NAME:** [20040909dsd2k02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*37. **This is the introduction and first public hearing** for AGAVE CENTER for a General Plan of Development for Lots 5, 6 & 7 and Final Plan of Development for Lot 7 located at 8945 South Harl Avenue. **The second public hearing is set for September 16, 2004.**

**COMMENTS:** (Frank Shields, Kennedy Assoc. Real Estate Council, Inc., property owner) #SGF-2004.60 for a General Plan of Development for Lots 5, 6 & 7 consisting of 25,600 s.f. on 5.6 net acres, and a Final Plan of Development for Lot 7, consisting of 17,000 s.f. on 2.79 net acres.

**DOCUMENT NAME:** [20040909dssl04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j \*38. **This is the introduction and first public hearing** for MILL – SEVEN BUILDING for a Site Plan, with three variances and three use permits, located at 701 South Mill Avenue. **The second public hearing is set for September 30, 2004.**

**COMMENTS:** (Tempe Mill, LLC, property owners) SIP-2003.105 for a site plan for a new two-story retail/restaurant building consisting of 19,279 gross s.f. on 0.36 net acres, including the following:

Variances:

1. To allow parking by demand for projects less than 100,000 square feet.
2. Reduce the building setback from 10 feet to 0 feet and reduce the landscape setback from 15 feet to 0 feet for the Mill Avenue frontage.
3. Reduce the building setback from 10 feet to 0 feet and reduce the landscape setback from 15 feet to 0 feet for the 7<sup>th</sup> Street frontage.

Use Permits:

- A. To provide parking by demand.
- B. To allow general office/retail uses in the CCD, Central Commercial District.
- C. To allow restaurants with outdoor dining (excluding bars and live entertainment) in the CCD, Central Commercial District.

DOCUMENT NAME: [20040909dsrl06.pdf](#) PLANNED DEVELOPMENT (0406)

D. Ordinances and Items for Second Hearing/Final Adoption

- \*39. This is the **second public hearing** for an ordinance authorizing an Intergovernmental Agreement between the City of Tempe and the Federal Bureau of Investigation (FBI) for use of Bell Butte for communication purposes.

DOCUMENT NAME: [20040909ITDH02.pdf](#) COMMUNICATIONS (1002)  
Ordinance No. 2004.34

- \*40. This is the **second public hearing** for an ordinance authorizing a license agreement with Southwest Ambulance Service for use of Bell Butte for communication purposes.

DOCUMENT NAME: [20040909ITDH01.pdf](#) AMBULANCE (0607-02)  
Ordinance No. 2004.33

- \*41. This is the **second public hearing** for an ordinance authorizing the Mayor to execute an Agreement for Conveyance and Leaseback of Land and Improvements Lease and Exhibits with GDG Partners, L.L.C. (Mondrian)

DOCUMENT NAME: [20040909edca01.pdf](#) RIO SALADO MASTER PLAN (0112-07-03) Ordinance No. 2004.35

- q-j \*42. Request to **continue the second public hearing** from September 9 to September 16, 2004, for a zoning change, Preliminary and Final Planned Area Development including a variance, and a Final Subdivision Plat for 5<sup>th</sup> Street Townhomes located at 598 West 5<sup>th</sup> Street.

COMMENTS: (Joseph Lewis, property owner)

#ZON-2004.06 Ordinance No. 808.2004.06 for a zoning change from R-3, Multi-Family Residential Limited to R1-PAD One Family Residential on 0.33 gross acres.

#SPD -2004.07 for a Preliminary and Final Planned Area Development (PAD) consisting of seven, 3-story, one and two bedroom townhomes (5 two-bedroom and 2 one-bedroom, totaling 10,833 square feet) on 0.33 net acres, including:

Variance:

Waive the requirement of Planned Area Development's for site areas of at least 0.50 (1/2) net acres.

#SBD-2004.08 for an Amended Final Subdivision Plat consisting of seven (7) lots and two (2) tracts on 0.33 net acres.

DOCUMENT NAME: [20040819dsd2k03.pdf](#) PLANNED DEVELOPMENT (0406)

E. Resolutions

43. Resolution authorizing the Mayor to sign the Intergovernmental Agreement Between the Arizona Board of Regents on Behalf of Arizona State University and the City of Tempe for Design of the McAllister Avenue Relief Sewer and the Tempe Center Sewer in University Drive.

DOCUMENT NAME: [20040909cacc01.pdf](#) WASTEWATER MANAGEMENT  
ADMIN (0812-01) Resolution No. 2004.77

**6. NON-CONSENT AGENDA**

**7. PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on the agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes will not be allowed during formal meetings.

Members of the public attending City Council meetings shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

**8. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**